

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
For Design, Provisional, or Utility ApplicationsPATENT APPLICATIONCOMPLETION Under  
Rule 53(f)In re PATENT APPLICATION of  
Inventor(s): FARWICK et al.Appln. No.: 09 | Series Code ↑      825,293 | Serial No. ↑Attn: Application Division  
P 280108 | M# 000561 BT

Client Ref

Filed: April 4, 2001

Title: Novel Nucleotide Sequences Encoding the mikE-17 Gene

Hon. Commissioner of Patents  
Washington, DC 20231

Date: July 23, 2001

Sir:

 The following completes the filing under Rule 53(f) of the above-identified patent application:

1.  Notice to File Missing Parts       copy attached       not yet received
2.  Signed Declaration attached.       Original       Facsimile/Copy

(Always "X" box 2 if filling signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or  
 "X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A.  Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B.  The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.

3.  Specification originally filed in non-English language; hence verified translation attached of:  
 a.  Abstract  
 b. # 39  pages of Specification(only spec. & claims)  
 c.  Drawing(s) 1   
     No of Sheets  
      Fig(s). 1

4.  Letter filing formal drawing attached.
5.  Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in GERMANY

8.

Applicati n No.	Filing Date	Applicati n N .	Filing Dat
(1) DE 100 47 867.0	September 27, 2000	(2) DE 101 13 958.6	March 22, 2001
(3)		(4)	
(5)		(6)	

Completion Under Rule 53(b)

9. 1 (No.) Certified copy (copies):  attached;  previously filed (date) \_\_\_\_\_  
in U.S. Application No. / \_\_\_\_\_ filed on \_\_\_\_\_
10. Small Entity Status   is Not claimed  is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11.  Attached:
12.  Amendment See Attached

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity	Fee Code
13. Basic Filing Fee . . . . .		Design Application Not Design Application	\$320/\$160 \$710/\$355	+710	106/26 101/201
14. Total Effective Claims	39	minus 20 =	19	x \$18/\$9	+342
15. Independent Claims	4	minus 3 =	1	x \$80/\$40	+80
16. If any proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)			\$270/\$135	+270	104/204
17. Surcharge for filing Declaration/filing fee late			\$130/\$65	+130	105/205
18.			FILING FEE ENCLOSED =	\$1532	
19. Original due date:	July 30, 2001				
20. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) (2mos) (3mos) (4mos)	\$110/\$55 = \$390/\$195 = \$890/\$445 = \$1390/\$695 =	+0	115/215 116/216 117/217 118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .			\$130	+130	139
22. If "assignment" box 5 is X'd, add recording fee. . . . .			\$40	+40	581
23. Petition Fee for			\$130	+0	
24.			TOTAL FEE ENCLOSED =	\$1702	

Our Deposit Account No. 03-3975

Our Order No. 21123

280108

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP  
Intellectual Property Group**

1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918  
Tel: (202) 861-3000  
Atty/Sec: MAS/AMX

By Atty: Michael A. Sanzo Reg. No. 36912  
Sig: Michael A. Sanzo Fax: (202) 822-0944  
Tel: (202) 861-3020

**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**

H 14  
SECTION  
1/8

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,293	04/04/2001	Mike Farwick	P 280108 000561 BT

00909  
PILLSBURY WINTHROP LLP  
1100 NEW YORK AVENUE, N.W.  
9TH FLOOR  
WASHINGTON, DC 20005

CONFIRMATION NO. 4063  
FORMALITIES LETTER



"OC000000006129582".

Date Mailed: 05/30/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/26/2001 YGIZAW 00000002 09825293

01 FC:103

36.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- **The balance due by applicant is \$ 970.**
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

Adjustment date: 09/26/2001 YGIZAW 00000002 09825293  
01 FC:103 09/27/2001 YTRUDN1 00000002 09825293  
03 327.00 -324.00 00

710.00 00 00 00 00 00  
80.00 00 00 00 00 00  
327.00 00 00 00 00 00  
130.00 00 00 00 00 00

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1);

Repln. Ref: 09/26/2001 YGIZAW 0015042200  
PC:904 DAB:922975 Name/Number:09825293  
\$288.00 CR

37/27/2001 YTRUDN1 00000002 09825293  
01 FC:101 02 FC:102 03 FC:103 04 FC:104 05 FC:105  
06 FC:106 07 FC:107 08 FC:108 09 FC:109

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

### TRANSLATOR'S DECLARATION

I, Janet Hope, BSc.(Hons.), MIL., MITI., translator to Messrs. Taylor & Meyer of 20 Kingsmead Road, London, SW2 3JD, Great Britain, verify that I know well both the German and the English language, that I have prepared the attached English translation of      pages of a German Patent application in the German language with the title:

Neue für das mikE17-Gen kodierende Nukleotidsequenzen

identified by the code number 000561 BT / IP at the upper left of each page and that the attached English translation of this document is a true and correct translation of the document attached thereto to the best of my knowledge and belief.

I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of this document.

By:



Date: 12/04/2001